

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the present amendments and the following remarks. By this amendment, claims 19, 73, 74, 77-80, 82-85 and 87 are amended. Upon entry of this amendment claims 19 and 73-88 remain pending in this case, with claims 19, 78 and 83 being independent claims. It is believed that no additional fees are due for the consideration of this paper. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855.

Specification Amendments

In the specification, the paragraphs [0081] and [0087] have been amended to correct minor editorial problems. Entry of the amendments to the specification is respectfully requested.

Claim Amendments

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on January 26, 2004, that the amended claims satisfy the written description requirement and the other requirements of 35 U.S.C. § 112, and that no new matter is being added. Claim 19 is amended to add the inadvertently omitted comma after the word “spool” at the end of line 6. Claim 73 is amended to more clearly recite that the biasing element of the drive actuator is a spring that applies a force to one of the spool and the spring motor to maintain a static position of the drive actuator, with movement of the release button to a release position relieving the force of the spring on the spool or the spring motor. Dependent claims 74 and 77 are amended for consistency with the amendments to claim 73. These amendments are supported by the application as originally filed at least at Figs. 16-18 and the accompanying text at paragraphs [0089]-[0092] wherein the spring 278 applies a force to the drive actuator 268 that is relieved when the release button 270 is moved to a release position.

Claims 78 is amended to more clearly recite that the drive actuator includes a spool having the cords attached thereto, and a spring motor coupled to the spool and having a first spring applying a force to rotate the spool. Claim 78 is further amended to more clearly recite that a second spring engages the drive actuator to provide a frictional force to maintain

a static position of the drive actuator. Dependent claims 79, 80 and 82 are amended for consistency with the amendments to claim 78. Claim 83 is amended in a similar manner to more clearly recite that the spring motor includes a first spring, and that a second spring engages the drive actuator to provide a frictional force. These amendments are supported by the application as originally filed at least at Figs. 16-18 and the accompanying text at paragraphs [0089]-[0092] wherein the spring 274 of the drive actuator 268 rotates the spool 272, and the spring 278 engages the drive actuator 268 to provide frictional force to maintain as static position of the drive actuator 268.

Applicants respectfully submit that the amendments to claims 19, 73, 74, 77-80, 82-85 and 87 do not present new matter and do not raise new issues, and respectfully requests entry of the present amendments and consideration of the claims as amended.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 73-88 were rejected under § 112, second paragraph as being indefinite. Accordingly, the applicants have amended the claims as discussed above. Claims 73, 74 and 77 are amended to more clearly recite that the biasing element to which the bias adjustment mechanism is coupled is a spring applying a force to one of the spool and the spring motor to maintain a static position of the drive actuator. Claims 78-80, 82-85 and 87 are amended to more clearly recite that the drive actuator includes a first spring, and that a second spring engages the drive actuator to provide a frictional force. Accordingly, the applicants respectfully submit that claims 73-88 particularly point out and distinctly claim the subject matter recited therein, and respectfully request that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 19, 73, 78 and 83 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,029,734 (hereinafter, “the Wang ‘734 patent”), and claims 78-81 and 83-86 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,024,154 (hereinafter, “the Wang ‘154 patent”). Applicants respectfully request reconsideration in view of the amendments to the claims and the following remarks, and respectfully submit that pending claims 19, 73, 78-81 and 83-86 are not properly rejectable over the Wang ‘734 and ‘154 patents for at least the following reasons.

Regarding the rejections in view of the Wang ‘734 patent, applicants respectfully submit that the Wang ‘734 patent does not disclose or suggest a biasing member or spring engaging a drive actuator or a component of a drive actuator to provide a force, frictional or otherwise, to maintain a static position of the drive actuator as recited in the claims. The Wang ‘734 patent teaches a blind having spring retrieving units 33 driving winding wheels 32 to wind up pull cords 40 when a bottom plate 22 is lifted, and having a locating set 50 disposed in the bottom plate 22 engaging the pull cords 40 to maintain the bottom plate 22 in a particular position and to maintain the spring retrieving units 33 in a static position. Consequently, the locating set 50 does not engage any component of either the spring retrieving units 33 or the winding wheels 32 as recited for the biasing elements and second springs recited in claims 19, 73 78 and 83. Further, the Wang ‘734 patent does not provide any suggestion or motivation for modifying the blind to have the locating set 50 engage the spring retrieving units 33 or the winding wheels 33. First, the Wang ‘734 patent does not suggest configuring the components of the locating set 50 to engage any component of the blinds other than the cords 40. Moreover, the spring retrieving units 33 and the winding wheels 32 are disposed in the frame 10, while the locating set 50 is disposed in the bottom plate 22. The Wang ‘734 patent does not suggest locating these components together in one or the other of the frame 10 and the bottom plate 22, let alone disposing the locating set 50 proximate the spring retrieving units 33 and/or the winding wheels 32 such that the locating set 50 could engage those components. For at least these reasons, the Wang ‘734 patent neither anticipates nor renders obvious claims 19, 73, 78 and 83 or the claims depending therefrom, and withdrawal of the rejection of the claims in view of the Wang ‘734 patent is respectfully requested.

Regarding the rejections in view of the Wang ‘154 patent, the patent fails to disclose or suggest a second spring engaging a drive actuator to provide frictional force to maintain a static position of the drive actuator as recited in claims 78-81 and 83-86 as amended. The Wang ‘154 patent discloses a locating member 50 with a moveable retaining member 51 having racks 512 that mesh with the teeth of the retaining portions 322A and 322B of cord retrieving members 32A and 32B to hold the winding members 30 in place. The direct engagement of the gear teeth maintains the positions of the cord retrieving members 32A and 32B, and not the springs 513 that bias the retaining member 51 to its engaged position do not

provide a frictional force. Moreover, the Wang ‘154 patent does not disclose or suggest reconfiguring the retaining member 51 or any other component to apply friction to maintain the position of the winding members 32A and 32B as a substitute for the direct engagement of the racks 512 with the retaining portions 322A and 322B. Because the Wang ‘154 patent fails to disclose or suggest providing a frictional force to maintain the position of the retaining portions 322A and 322B, it follows that claims 78-81 and 83-86 are neither anticipated nor rendered obvious by the Wang ‘154 patent. For at least these reasons, reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 19, 73-77, 82 and 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Wang ‘154 patent in view of U.S. Patent No. 4,023,277 (Fizer), and claim 88 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Wang ‘154 patent in view of U.S. Patent No. 5,799,715 (Biro et al.). Applicants respectfully submit that pending claims 19, 73-77, 82, 87 and 88 are not properly rejectable over the applied references for at least the following reasons.

Applicants respectfully submit that the Office action fails to establish a *prima facie* case of obviousness for the combination of the Wang ‘154 and Fizer patents. In order to establish a *prima facie* case of obviousness, there must be actual evidence of a suggestion to modify a prior art reference or to combine two prior art references, and the suggestion to combine or modify the prior art must be clear and particular. See, for example, In re Dembicza, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), where the Court of Appeals for the Federal Circuit stated:

We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved...

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The range of sources available, however, does not diminish the requirement for **actual evidence**. That is, the showing must be **clear and particular**. Broad conclusory statements regarding the teaching of multiple references, standing alone, are **not** ‘evidence.’ (emphasis added, citations omitted).

The mere fact that references can be modified is not sufficient to establish a prima facie case of obviousness. See Section 2143.01 of the M.P.E.P., which states: “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)” (emphasis original).

The Office action fails to provide or to cite to any actual evidence of a motivation or desire by a person skilled in the art to arrive at the proposed combination of the references. The Office action states in conclusory fashion that “[i]t would have been obvious to replace the toothed break of [the] Wang ‘154 patent] with the friction brake of Fizer so as to permit smooth winding and unwinding.” *See* Office Action, page 3, second last paragraph. First, the Wang ‘154 patent does not disclose or suggest that the Venetian blind does not wind and unwind “smoothly,” whatever that term means in the area of blind lifting mechanisms. If it means that the gears on the winding members 32A and 32B rub against the teeth of the racks 512 when the lower rail 22 is raised and lowered, the Wang ‘154 patent does not disclose or suggest that the locating member 50 is not or cannot be configured with sufficient clearance for the teeth of the rack 512 to completely disengage from the gears of the winding members 32A and 32B to allow the winding members 32A and 32B to freely rotate for winding and unwinding of the cords 41A and 41B. Moreover, it is clearly within the competency and knowledge of the person skilled in the art to provide sufficient clearance in the locating member 50. Consequently, sufficient evidentiary support for the purported motivation set forth in the Office action has not been provided.

Second, the Wang ‘154 patent does not provide a suggestion or motivation for replacing the meshing gear teeth with other engagement mechanisms in the locating member 50 to provide a selectively variable application of a biasing force or to maintain the winding members 30 in static positions using a frictional force as recited in the claims. The illustrated alternative embodiments vary the configuration of the winding members 30, but each of the embodiments uses the same racks 512 of the retaining members 51 meshing with the gear teeth on the winding members 32A and 32B to position the lower rail 22. The Wang ‘154 patent suggests an alternative embodiment of the retaining member 51 wherein a ratchet wheel mechanism capable of releasing unidirectionally is used to allow the slats to be raised without operating the retaining member 51 (Wang ‘154 patent, col. 4, lines 23-31), but no

additional suggestion is provided for substituting a different engagement mechanism for the meshing gears.

Additionally, assuming *arguendo* that a suggestion or motivation existed for replacing the meshing gears taught by the Wang ‘154 patent, the Office action provides no actual evidence that a person skilled in the blind and shade arts would look to a tape measure for an alternate engagement mechanism for implementation in a Venetian blind. Further, the Wang ‘154 patent teaches away from implementing an engagement mechanism such as the brake taught by Fizer that may allow the windup mechanism 38 to rotate even when the brake is engaged. A user may pull the tape 32 of Fizer’s tape measure outwardly with sufficient force to overcome the friction applied by the brake shoe 90 and liner 88 to further unwind the tape 32. Conversely, the teeth of the racks 512 will prevent a user from pulling the lower rail 22 downwardly while the retaining member 51 engages the winding members 32A and 32B. In order to initiate the ascending or the descending of the slats, the retaining member 51 must be pressed to disengage the locating member 50 and allow rotation of the winding members 32A and 32B in either direction.

The proposed alternative embodiment incorporating a ratchet wheel mechanism does not overcome the teaching away of the illustrated embodiments, and also does not provide the necessary motivation or suggestion for the proposed combination of the Wang ‘154 and Fizer patents. The ratchet wheel mechanism in the Wang ‘154 patent is disclosed as allowing the slats 21, 22 to be raised without operating the retaining member 51. However, the release mechanism of the Fizer patent, while allowing the tape 32 to be pulled out as discussed above, must be released in order to wind up the cords 41A and 41B of the Venetian blind since the cords 41A and 41B provide no force with which to overcome friction of the brake shoe 90 and liner 88 when the lower rail 22 is lifted. For these reasons, a person skilled in the art would not be motivated to substitute the release mechanism of the Fizer patent for the locating member 50 in the Venetian blind of the Wang ‘154 patent. Consequently, claims 19, 73-77, 82 and 87 are not rendered obvious by the proposed combination of the Wang ‘154 and Fizer patents, and withdrawal of the rejection in view of the Wang ‘514 and Fizer patents is respectfully requested.

Regarding the rejection of claim 88 in view of the proposed combination of the Wang '154 and Biro et al. patents, Biro et al. do not teach or suggest the teaching missing from the Wang '154 patent of providing a frictional force to maintain the position of the retaining portions 322A and 322B. Therefore, for at least the reasons discussed above, the combination of the Wang '154 and Biro et al. patents does not render obvious either claim 88 or claim 83 from which it depends.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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